

78273162

TTAB

January 7, 2006

Shelley Jamison, Legal Assistant
USPTO
Trademark Trial and Appeal Board
P. O. Box 1451
Alexandria, VA 22313-1451
USA

Dear Ms. Jamison:

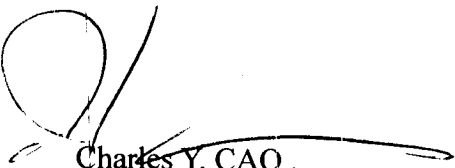
In response of your letter on January 3, 2006 regarding Opposition No. 91166568, please be advised that I did send out answer by USPS certified mail on October 18, 2005. USPS Certified Mail Receipt No. 7005 1160 0002 1953 2752. Per online tracking in www.usps.com, the mail was signed by D. Barfield on October 24, 2005.

Attached please find the following document:

1. A copy of USPS Certified Mail Receipt.
2. A copy of USPS Tracking Results, which indicates the receipt of the mail by D. Barfield.
3. A copy of content in that mail including:
 - a. Notice of Appeal
 - b. Exhibit 1
 - c. Exhibit 2
 - d. Exhibit 3
4. Your letter of January 3, 2006.

Please feel free to contact me if I can answer any questions. I can be reached at 972-315-1750 by phone, 972-315-7203 by fax, or ycao@msn.com by email.

Regards.


Charles Y. CAO.
611 Forest Hill Dr.
Coppell, TX 75019



01-13-2006

U.S. Patent & TMOfc/TM Mail Rcpt Dt. #34

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UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Mailed: January 3, 2006

Opposition No. 91166568

DSM IP Assets B.V. and DSM
Dyneema B.V.

v.

CHARLES Y. CAO

Shelley Jamison, Legal Assistant

Answer was due in this case on October 24, 2005.

Inasmuch as it appears that no answer has been filed, nor has applicant filed a motion to extend its time to answer, notice of default is hereby entered against applicant under Fed. R. Civ. P. 55(a).

Applicant is allowed until thirty days from the mailing date of this order to show cause why judgment by default should not be entered against applicant in accordance with Fed. R. Civ. P. 55(b).

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of opposition No. 91166568 for trademark application serial No. 78/273162
Filed September 14, 2005

Charles Yuan CAO

Applicant/Defendant

Vs.

DSM IP Assets B.V. and
DSM Dyneema B.V.

Opposers/Plaintiffs

NOTICE OF APPEAL

Applicant Charles Y. CAO believes that the Opposition No. 91166568 has not no legal grounds and its arguments are unfair. Therefore, Applicant hereby appeal as follows:

1. Applicant Charles Y. CAO is an individual, citizen of the United States of America, residing at 611 Forest Hill Drive, Coppell, Texas 75019, USA.
2. Applicant Charles Y. CAO is a partner for Armor USA Inc., a corporation incorporated in the state of Texas.
3. Opposers DSM IP Asset BV and DSM Dyneema BV are Netherlands corporations.
4. Applicant develops and manufactures ultra-high molecular weight polyethylene synthetic fiber which is for ballistic material application. [Exhibit 1]
5. The subject application of UNIMA (serial No. 78/273162) is significantly different from Opposer's marks DYNEEMA and DYNEEMA MICRO., both in sound and in appearance.
6. The subject application of UNIMA (serial No. 78/273162) is composed of prefix "UNI-" and postfix "-MA". "UNI-" indicates the unidirectional construction and unique application of the product. "-MA" indicates "maximum". It is a commonly used postfix for trademark, especially for fiber products. A non-exhaustive search in USPTO database indicates 992 trademarks with "-MA" postfix [Exhibit 2], of which 46 trademarks are for fiber products [Exhibit 3]. DYNEEMA is only one of the trademarks which use "-MA" postfix.
7. UNIMA and DYNEEMA will not cause confusion in marketplace and mislead consumer at all. In fact, everybody will understand that UNIMA and DYNEEMA are competitive trademarks. There are

many such examples in the market place. For example, "Linux" and "Unix" for computer operating systems.

Wherefore, Applicant believes that Opposer's claims are unfair. Its sole purpose is to eliminate competitors such as Applicant in the marketplace with unfair legal practice, therefore monopoly the marketplace.

As set forth above, Applicant request that:

1. Judgment in the present Appeal be entered in favor of Applicant and against Opposer, with prejudice.
2. The present Appeal be sustained.
3. Any claims in Opposition No. 9116568 be overruled and rejected.

Respectfully submitted,

By:

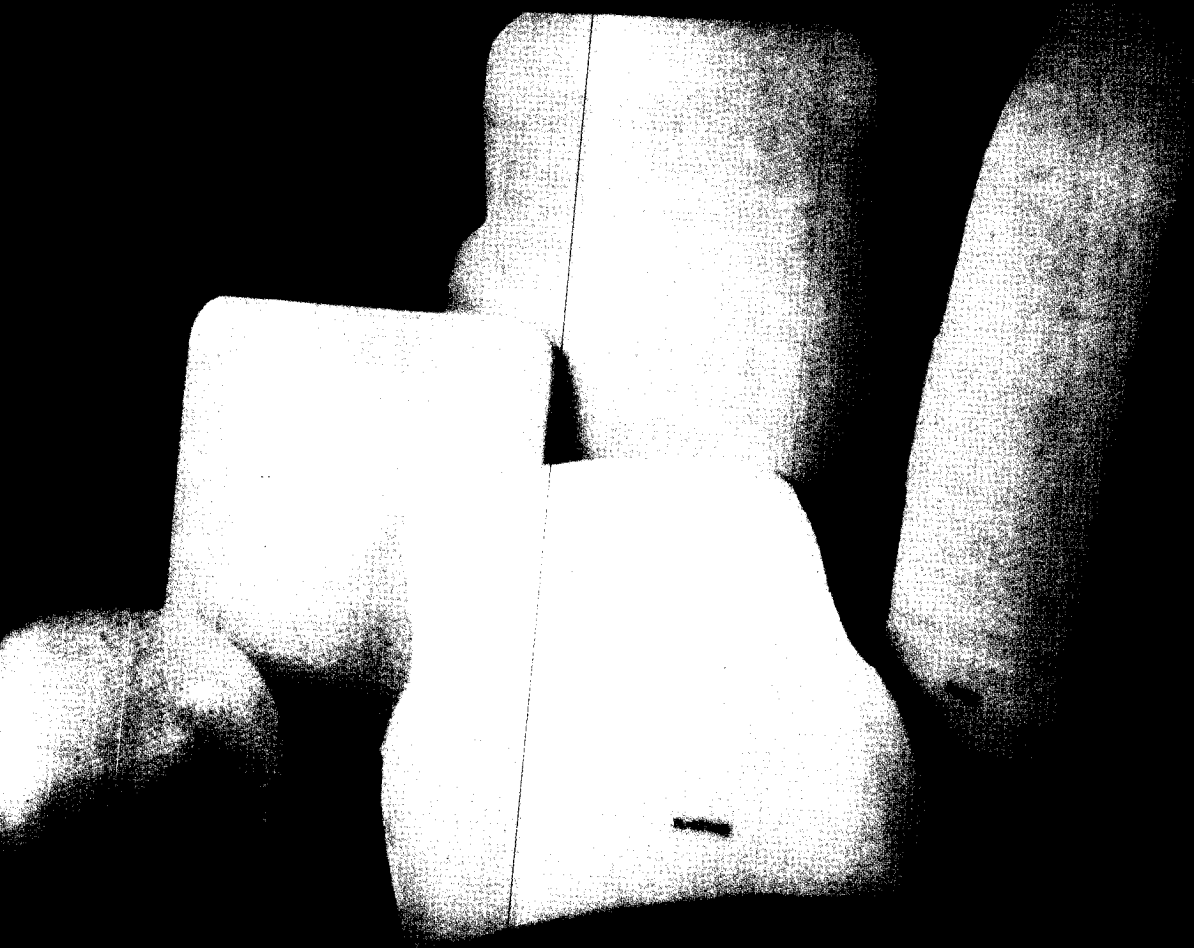


Charles Y. CAO
611 Forest Hill Drive
Coppell, TX 75019

October 15, 2005



UnimaTM
High Performance Polyethylene Fiber



ARMOR USA INC.

Unima™

High Performance Polyethylene Fiber

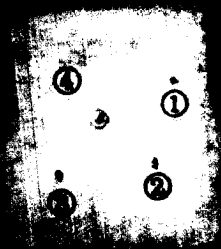
Unima™ high performance polyethylene fiber, also called ultra high molecular weight polyethylene fiber, is characterized by its extremely high tenacity, high modulus of elasticity, low density, and high energy absorption. It is 10 times stronger than steel and 40% stronger than aramid, yet so light that it floats on water, presenting infinite possibilities for a wide spectrum of applications, such as body armor, ballistic helmet, armored vehicle, resistant gloves, parachute rope, fishing line, and etc.

Unima™-UD Fabric:

Unima™-UD fabric is a unidirectional construction based on Unima™ high performance polyethylene fiber, which the fibers are not woven but lie parallel to each other, thus minimum weight is needed for protection at certain levels. It is delivered in rolls or 48" X 60" sheets.

Unima™ Performance

	Unima-D68	Aramid	Carbon HS	Steel
Density(g/cm ³)	0.97	1.44	1.78	7.86
Tenacity(N/Tex)	3,10	2,05	1,9	0.2
Tenacity(g/den)	35	23	22	2
Tensile Strength(GPa)	3.0	2.9	3.4	1.77
Specific Modulus(N/Tex)	97	41	134	25
Specific Modulus(g/den)	1100	470	1500	225
Modulus(GPa)	95	60	240	200
Elongation at Break(%)	3.5	3.6	1.4	1.1



Unigard™ Performance

Threat Level	NIJ-I	NIJ-IIA	NIJ-II	NIJ-III
Density(lb/sq ft)	0.43	0.57	0.78	1.08

Unigard™ Ballistic Panel:

Unigard™ ballistic plate is laminated with Unima™-UD unidirectional fabric sheets. Pressed into desired form, it features lightweight, moisture resistant, and excellent energy absorption at high temperature and pressure.

Warranty:

Unima™ high performance polyethylene and ballistic panel is manufactured in one of the state-of-the-art facilities of Armor USA's international operation. Armor USA Inc. offers five (5) years limited warranty for Unima™ and Unigard™ against delaminating or other material defects. Please see our representative or customer service for specific details.

ARMOR USA INC.

611 Forest Hill Drive
Coppell, TX 75019
(972) 315-1750
(972) 315-7203 (fax)
(972) 716-6872





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Current Search: S1: ?MA[MN] docs: 992 occ: 1002

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1	79002177		JMA ALUMINIUM	TARR	LIVE
2	79010397		IMA	TARR	LIVE
3	79008675		CMA (CELL METABOLISM ACTIVATION COMPLEX)	TARR	LIVE
4	78239241		INDUSTRIAL STRENGTH ZING, IT'S AMA-ZING!	TARR	LIVE
5	78716348		IMA NOVA	TARR	LIVE
6	78388073	3003908	WMA WOMEN'S MOTOCROSS ASSOCIATION	TARR	LIVE
7	78330112		OMA MINA	TARR	LIVE
8	78188641		OMA	TARR	DEAD
9	78457018		TMA "TECHNOLOGY IN MAILROOM AUTOMATION"	TARR	DEAD
10	78381762		AMA@WORK	TARR	LIVE
11	78718742		DMA DIRECT MARKETING ASSOCIATION	TARR	LIVE
12	78309334		OMA	TARR	LIVE
13	78717548		CMA FOREST PLOTTER	TARR	LIVE
14	78709616		XMA MAXMILL	TARR	LIVE
15	78582811		TMA TECHNOLOGY MUSIC & ARTS	TARR	LIVE
16	78539227		PMA RX PHARMMICRO ASSURANCE	TARR	LIVE
17	78478868		TMA TREESTAND MANUFACTURER'S ASSOCIATION	TARR	LIVE
18	78466763		CMA CALIFORNIA MOTORCYCLE ASSOCIATION	TARR	LIVE
19	78419003		STANDARD & POOR'S SMA EVALUATOR	TARR	LIVE
20	78408145		AMA U.S. HILLCLIMB CHAMPIONSHIP	TARR	LIVE
21	78375751	3001175	PMA	TARR	LIVE
22	78453046		SMA	TARR	DEAD
23	78713811		LMA	TARR	LIVE
24	78045466	2803513	IMA	TARR	LIVE
25	78710867		TMA	TARR	LIVE



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	Serial Number	Reg. Number	Word Mark	Check Status	Live/Dead
1	78144972		SNECMA PROPULSION SOLIDE	TARR	LIVE
2	78533802		ARKEMA	TARR	LIVE
3	78574271		ARKEMA	TARR	LIVE
4	78158397		BOEING DIGITAL CINEMA	TARR	DEAD
5	78212156		ACCESS DIGITAL CINEMA	TARR	DEAD
6	76596382	2991415	DREAM LLAMA	TARR	LIVE
7	76563234		PUREMA	TARR	LIVE
8	76591103		CINEMA EVENTS	TARR	LIVE
9	76072252	2950760	SNECMA MOTEURS	TARR	LIVE
10	76021548		GLAMORAMA	TARR	DEAD
11	76634915		GLAMORAMA	TARR	LIVE
12	76425698		SC SUPERCINEMA	TARR	DEAD
13	76425697		SC SUPERCINEMA	TARR	DEAD
14	76110025		DIGITAL CYBER CINEMA	TARR	DEAD
15	76041260		ZAMA NETWORKS	TARR	DEAD
16	76041258		ZAMA NETWORKS	TARR	DEAD
17	75028179	2078586	DYNEEMA	TARR	LIVE
18	75981865	2962708	ECINEMA OVER BROADBAND NETWORK	TARR	LIVE
19	75425878	2831035	CASTORAMA	TARR	LIVE
20	75335703	2267658	GRANDMA'S ATTIC	TARR	LIVE
21	75239809		FAMA	TARR	DEAD
22	75239367		SOPREMA	TARR	DEAD
23	75208100		SNECMA	TARR	DEAD
24	74335918	2066077	SNECMA	TARR	LIVE
25	74230480	1747603	SACMA	TARR	DEAD
26	74655891		PANORAMA	TARR	DEAD
27	74655889	2362449	PANORAMA	TARR	LIVE
28	74611856	1938633	PRO-MA NUTRITION	TARR	DEAD

29	74176781	1703282	SOPREMA	TARR	LIVE
30	74063014	1696076	SOPREMA	TARR	LIVE
31	73782215	1632096	BMA	TARR	LIVE
32	73765818		SUPREMA COUNTS	TARR	DEAD
33	73586949	1413470	HATEMA	TARR	DEAD
34	73530857	1386787	DYNEEMA	TARR	DEAD
35	73215379	1153994	CROWNCAMA	TARR	DEAD
36	73191282	1130451	BELLECAMA	TARR	DEAD
37	73183223	1133162	ULCAMA	TARR	DEAD
38	72447036	0978223	COHAMA	TARR	DEAD
39	72426412	0968714	COHAMA	TARR	DEAD
40	72236209	0819168	COHAMA UNITED MERCHANTS	TARR	DEAD
41	72156808	0779265	FAMA	TARR	DEAD
42	72156807	0786608	FAMA	TARR	DEAD
43	71659223	0601400	COHAMA CHEM-THREAD	TARR	DEAD
44	71619080	0567717	A GRANDMA MOSES FABRIC "WILLIAMSTOWN" FROM THE ORIGINAL PAINTING "WILLIAMSTOWN" BY GRANDMA MOSES.	TARR	DEAD
45	71603923	0556305	GRANDMA MOSES	TARR	LIVE
46	71160064	0222999	ECUADORIAN PANAMA HAT CO.	TARR	DEAD

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